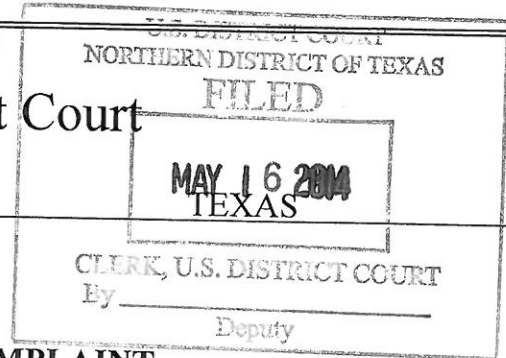


SEALED
United States District Court



NORTHERN DISTRICT OF

UNITED STATES OF AMERICA

V.

COMPLAINT

GREGORY BOGOMOL

CASE NUMBER: 4-14-MJ-239-BJ

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 6, 2014, in the Fort Worth Division of the Northern District of Texas, defendant Gregory Bogomol,

knowingly possessed matter, specifically a Samsung Galaxy cellular phone, SN R31D90ZHA4H, which contains any visual depiction that was shipped and transported using any means and facility of interstate and foreign commerce, the production of such visual depiction involved the use of a pubescent minor engaging in sexually explicit conduct, and such visual depiction was of such conduct,

in violation of Title 18, United States Code, Section(s) 2252(a)(4)(B).

I further state that I am a Special Agent with the Department of Homeland Security – Immigration and Customs Enforcement and that this complaint is based on the following facts:

See attached Affidavit of Special Agent Amanda Johnson, which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: XX Yes No

Amanda N. Johnson, Special Agent
Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, on this 16 day of May, 2014, at Dallas, Texas.

PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

No.

GREGORY BOGOMOL

AFFIDAVIT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about May 6, 2014, the defendant, **Gregory Bogomol**, in the Northern District of Texas, knowingly possessed matter, specifically a Samsung Galaxy cellular phone, SN R31D90ZHA4H, which contains any visual depiction that was shipped and transported using any means and facility of interstate and foreign commerce, the production of such visual depiction involved the use of a pubescent minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, in violation of 18 U.S.C. § 2252(a)(4)(B).

I further state I am a Special Agent with U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), and that this complaint is based on the following facts gathered by me through reports relayed to me by HSI Special Agent Eric Link in Lake Charles, Louisiana, and through my own investigation:

INTRODUCTION

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since November 2007.

As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

PROBABLE CAUSE

2. I received information that establishes probable cause to believe that on or about May 6, 2014, **Gregory Bogomol** knowingly possessed matter, specifically a Samsung Galaxy cellular phone, SN R31D90ZHA4H, that contained a visual depiction of a minor engaged in sexually explicit conduct and that was produced using materials that had been mailed, transported, and shipped using any means and facility of interstate and foreign commerce in violation of 18 U.S.C. § 2252(a)(4)(B).

3. Investigation began when Homeland Security Investigations (HSI) in Lake Charles, Louisiana was contacted by the parents of a 15 year-old male regarding an individual who solicited a nude photograph of the minor male through the KIK¹

¹ KIK Messenger is a smartphone application that provides cross-platform smartphone instant messaging, which allows users to have text-based conversations with one another. KIK users can share photos and videos.

application. The minor victim, hereto referred to as MV, stated an individual who presented themselves as a young female named "Crystal Williams" initially contacted him through the Pinger² application from phone number 8174404895. During the initial conversation, MV advised "Crystal Williams" that he was 16 years old; MV was in fact only 15 years of age. MV stated the communication with "Crystal Williams" quickly turned sexual in nature. They then began communicating via the KIK application. According to MV, the KIK username displayed for "Crystal Williams" was two letters; one of the letters was "G," and the other was possibly "B" or "Y." MV stated "G" sent nude images of a young female through the KIK application and requested nude images of MV in return. MV produced a close-up image of his erect penis and sent the image to "G" through the KIK Messenger application. MV then stated "G" asked for another picture of MV's nude body, including his face. MV declined to send another picture to "G." MV stated "G" then threatened to send the previous picture of MV's genitals to MV's friends if he did not comply. MV still refused to produce and send another picture and ended all communication. Instead, MV told his parents about "G," which in turn led to the present federal investigation by HSI.

4. HSI Special Agent Eric Link conducted queries in law enforcement databases and determined the phone number used by "Crystal Williams" via Pinger (817-440-4895) was assigned to Bandwith.com. SA Link contacted Bandwith.com and was informed that

² Pinger is a smartphone application that allows users to text, call and share photos and videos with other users. Upon registration, Pinger allows users to utilize their existing phone number or create a new one.

Bandwith.com leases Internet bandwidth to VoiceOver IP companies, which in turn provide service to end users. Bandwith.com stated that the current lease holder for the identified number was Pinger, Inc., and provided its law enforcement contact.

5. SA Link issued an administrative summons to Pinger, Inc., requesting subscriber information for 817-440-4895. Pinger, Inc. responded to the summons and provided the following information:

Textfree Phone Number: 18174404895
Textfree Account ID: 382734626
Textfree Username: localite
Date Account Created: 2013-01-06 25:50:28 GMT
3rd Party Email Address: texassummer10@aol.com
Andriod ID: 357288045220712

6. SA Link issued an administrative summons to AOL for subscriber information related to the email address texassummer10@aol.com. AOL responded to the summons and provided the following information:

Address Information:
M[redacted] Bogomol
[redacted] Winters
Fort Worth, TX 76114
8177130399
Billing Information:
Credit Card
Gregory Bogomol
CC# [redacted]0209
Expires: 08/13

7. SA Link subsequently provided this information to the HSI Dallas Cyber/Child Exploitation Group. SA Amanda Johnson received this information from SA Link and conducted checks in the Texas Workforce Commission, which revealed **Bogomol** was employed by Denton Independent School District as a teacher at Denton High School. SA Johnson conducted checks in law enforcement databases and determined **Bogomol** currently resides at [redacted] Tribute Lane, Fort Worth, Texas 76131.

8. On May 6, 2014, HSI Special Agents Amanda Johnson and Elmore Armstrong conducted a consensual interview with **Gregory Bogomol** at [redacted] Tribute Lane in Fort Worth, Texas. **Bogomol** granted agents consent to search his cellular phone, identified as a Samsung Galaxy. SA Johnson conducted a manual search of **Bogomol's** Samsung Galaxy cellular phone and observed the Grindr application on the user display. SA Johnson opened the Grindr³ application and observed numerous open conversations and pictures of young males. **Bogomol** informed SA Johnson he would like to speak with her about the pictures in private and away from his wife. SAs Johnson and Armstrong allowed **Bogomol** to speak with them in SA Armstrong's vehicle. **Bogomol** admitted to communicating with numerous minor males between the ages of 14 and 17 for the purpose of receiving sexually explicit images of the minors.

9. On May 8, 2014, I obtained a search warrant to search the contents of **Bogomol's** Samsung cellular phone. I viewed several files found on the Samsung cellular phone and

³ Grindr is a geosocial networking application for smartphones geared towards gay and bisexual men. Grindr allows users to send messages, photos and physical locations with other like-minded men.

believe they are visual depictions of real minors engaged in sexually explicit conduct.

One of those images, which involves a minor, is described as follows:

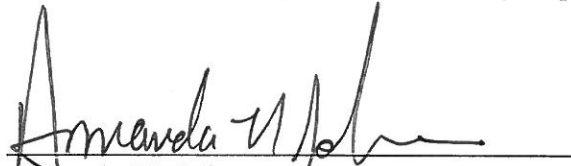
File Name	File Description
65f4a570-c9d0-40f4-8e28-7014bba649e3.jpg	This image depicts a pubescent minor male standing in front a bathroom mirror holding a camera phone in front of his body. The minor is completely nude and his penis is being displayed in a lewd and lascivious manner.

10. The forensic evidence indicates that the file was received through the Kik application. I know that to receive communications and images through mobile phone applications, to include Kik, the phone must have Internet access. Therefore, the visual depiction was shipped and transported using the Internet, a means and facility of interstate and foreign commerce.

(Text continued on next page)

CONCLUSION

11. Based upon the foregoing facts and circumstances, I believe probable cause exists to find that **Gregory Bogomol** has knowingly committed a violation of 18 U.S.C. § 2252(a)(4)(B), possession of a visual depiction of a minor engaged in sexually explicit conduct.


Amanda N. Johnson
Special Agent
Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 4 day of May, 2014, at 945 a.m. in Dallas, Texas.


PAUL D. STICKNEY
United States Magistrate Judge